

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

ZACHARY J. BAGDON,  
Plaintiff,

v.

BANK OF AMERICA CORPORATION,  
Defendant.

---

:  
:  
:  
:  
:  
:  
:  
:

Civil No. 2:20-cv-00446-JMG

**ORDER**

**AND NOW**, this 30<sup>th</sup> day of September, 2021, upon consideration of Defendant's Motion for Summary Judgment and Motion to Strike (ECF No. 31), Plaintiff's Response to Defendant's Motions (ECF No. 35), and Defendants' Reply thereto (ECF No. 39), **IT IS HEREBY ORDERED** that, for the reasons set forth in the accompanying Memorandum, Defendant's Motion to Strike Plaintiff's Jury Demand is **GRANTED** and Defendant's Motion for Summary Judgment is **GRANTED** in part and **DENIED** in part as follows:

1. **JUDGMENT IS ENTERED** in favor of Defendant on Plaintiff's claim under § 502(a)(1)(B) of the Employee Retirement Income Security Act of 1975.
2. **JUDGMENT IS ENTERED** on the issue of the proper valuation of Plaintiff's bonus for purposes of calculating his entitlement to benefits. The correct valuation for that purpose is \$301,131.87.
3. In all other respects, Defendants' motion for summary judgment is **DENIED**.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER

United States District Court Judge